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C O N F I D E N T I A L SECTION 01 OF 03 USUN NEW YORK 000106

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SUBJECT: SYG BRIEFS UNSC ON KENYA, SUDAN, CHAD

Classified By: Political Minister Counselor Jeffrey DeLaurentis for Reasons 1.4 B/D.

¶1. (C) Summary. Secretary-General Ban briefed the Security Council on February 5 on his recent trip to Africa. Ban reported on the critical nature of the situations in Kenya, Sudan, and Chad, highlighting recent progress in mediations in Kenya and in SOFA discussions with the Government of Sudan, although DPKO later walked the SOFA report back somewhat. Ban informed the Council of a new panel to improve security for UN staff. The UK delegation proposed a PRST on Kenya co-sponsored by the French and Belgians. Delegations welcomed the possible SOFA for UNAMID, but called for simultaneous progress in the political process. Delegations supported AU mediation efforts in Chad. Ambassador Khalilzad called for AU missions to support Somalia, a concern that was seconded by the Libyan and Italian PermReps. End Summary.

¶2. (SBU) Secretary-General Ban briefed the Security Council on February 5 on his recent trip to Africa and the situations in Kenya, Sudan, and Chad. On Kenya, Ban reported that former Secretary-General Annan's panel had drafted an agenda and roadmap for talks, and that the parties were discussing immediate measures to end the crisis and were planning to discuss the disputed election. Ban said he encouraged Kenyan officials and opposition leaders, including President Kibaki and Odinga, to exercise political leadership and implement the compromises necessary to secure a stable future for their country. He noted that UN staff had been deployed to Nairobi to assist Annan and that UNDP had established a trust fund to support the panel's work. Ban also said that he had dispatched UnderSecretary-General for Humanitarian Affairs Holmes to the region and that his genocide adviser was following the situation closely.

¶3. (SBU) The Secretary-General reported that he discussed the situation in Chad with African leaders at the AU summit in Addis Ababa. He said that deteriorating security conditions had forced him to evacuate UN staff, though a small number remained in Chad. He thanked French forces for protecting UN personnel, welcomed AU mediation efforts, and urged the Council to react swiftly to the situation.

¶4. (C) Secretary-General Ban was concerned about limited humanitarian access in Sudan and called for imminent deployment of UNAMID so that the people of Darfur would not lose confidence in the UN. He expected Khartoum to sign a status of forces agreement this week. (NOTE. A well-placed DPKO source later reported to DepPolCouns that the tentative SOFA deal would give Sudanese Civil air authorities jurisdiction over UNAMID flights and that UN legal advisor is unlikely to accept that provision. DPKO expects a delay of

at least a few days over this emerging issue. END NOTE.) He also noted the need to rectify UNAMID's lack of ground and aviation assets.

15. (SBU) Ban said that he is establishing an independent panel to be chaired by veteran UN diplomat Lakhdar Brahimi to review and enhance UN staff security.

#### AFRICA REMAINS A HIGH PRIORITY FOR THE UNITED STATES

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16. (SBU) Ambassador Khalilzad said Africa remained a high priority for the United States. He condemned the actions of the rebels in Chad and called on the Government of Sudan to end any and all support to the rebels. He welcomed Ban's report of progress in deploying UNAMID and hoped that this would help re-energize the political process. He noted US support for the UN mediation efforts in Kenya and welcomed that the parties evidently had reached an agreement. Ambassador Khalilzad called on AU missions to fulfill their commitments to deploy peacekeepers in Somalia and on the donor community to give generously to the mission. The Libyan and Italian PermReps voiced their support for his statements on Somalia.

#### SUPPORT FOR MEDIATION IN KENYA; PRST PROPOSED

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17. (SBU) On Kenya, delegations expressed support for Annan's mediation efforts and the hope that the parties would implement the February 1 agreement and address issues through dialogue rather than violence. Many delegations called for focus on the underlying issues fueling the conflict in addition to resolving the election dispute. Belgian PermRep

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Verbeke suggested that the mediators use time-bound negotiations in upcoming discussions.

18. (SBU) The UK delegation, along with the Belgian and French delegations, drafted a PRST that UK PermRep Sawers noted was supported by Annan. The UK, Belgian, and French PermReps each cited the responsibility of the Kenyan leaders to protect their citizens. Costa Rican PermRep Urbina said the international community would need to assume responsibility if the Kenyan leaders did not. Secretary-General Ban also voiced support for the PRST.

19. (SBU) Several delegations voiced concern for the deteriorating humanitarian situation in Kenya, and the Belgian and French delegations stressed the rising prevalence of sexual violence and violence against children. The Secretary-General said he had raised the possibility of a

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human rights fact-finding mission with key Kenyan leaders, including President Kibaki, and that he planned to pursue it with all possible resources and with the assistance of UnderSecretary-General Holmes.

#### HOPE FOR IMMINENT PROGRESS ON UNAMID

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110. (SBU) Delegations welcomed Ban's report that a status of forces agreement for UNAMID forces was imminent, but called for the agreement to be fully implemented. The Russian and Libyan PermReps called for a non-confrontational dialogue with the Government of Sudan. Several delegations voiced concern that the violence in Chad could further destabilize Sudan.

111. (SBU) Delegations also called for political progress in Sudan, and they urged rebel groups to unify and enter the political process. French PermRep Ripert said that France would help re-launch the political process and he requested help from the international community. Ban responded that two

rebel groups had evidently agreed on a unified negotiating team and agenda with five other groups in unification discussions. Ban also noted that his office had been in contact with rebel leaders in Paris and elsewhere outside Sudan to discuss unification, and he urged Council members with influence over rebel groups to take similar action.

¶12. (SBU) The Belgian, French, Croatian, and Costa Rican delegations voiced concern about Sudan's non-cooperation with the International Criminal Court (ICC). Ban said he had discussed this issue with President Bashir and planned to continue to raise it in private discussions with the president due to its sensitivity.

¶13. (SBU) Ambassador Khalilzad, joined by Indonesian PermRep Natalegawa, asked Secretary-General Ban about the appointment of a joint AU/UN senior negotiator to work with the parties. Ban responded that the UN continued to work with the AU to find an acceptable candidate, as their first choice was unavailable.

¶14. (SBU) UK PermRep Sawers said the UK was working to address UNAMID's helicopter shortfall. He said Bangladesh and Ethiopia had offered helicopters, but noted that training and equipment still were needed.

#### CONTINUING CONCERN OVER CHAD

¶15. (SBU) Delegations cited continuing concern for the situation in Chad and voiced support for AU mediation efforts. French PermRep Ripert called for international community assistance for the Government of Chad. Belgian PermRep Verbeke called for support for MINURCAT forces so that these forces would not be intimidated or their full deployment jeopardized.

#### UNMEE

¶16. (SBU) South African PermRep Kumalo and Belgian PermRep Verbeke expressed further concern about the situation in Ethiopia and Eritrea and both called for UNMEE to stay in the area to prevent further violence between the parties. Costa Rican PermRep Urbina suggested the Council would have to consider what role the UN should play if the parties do not cooperate with the UN mission.

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¶17. (SBU) Council President Arias (Panama) updated members on his meeting with the Eritrean Charge as requested by the SC following the Council's adoption of a press statement on February 4 demanding that Eritrea resume fuel shipments to UNMEE. He said that the Charge cited a "miscommunication" between the Council and Eritrea because the Council had not accounted for the boundary problem in its resolution. Arias said there was no indication that the Eritreans would change their position on cutting fuel supplies to UNMEE. Ban said he remained very concerned about the situation and that he had discussed the issue with the Prime Minister of Ethiopia and had written a letter to the President of Eritrea.

KHALILZAD